

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EILEEN CHAMBERLAIN, Individually  
and on Behalf of All Those Similarly  
Situated,**

**Plaintiff,**

**vs.**

**US BANCORP CASH BALANCE  
RETIREMENT PLAN, and  
MERCANTILE BANK CASH BALANCE  
RETIREMENT PLAN,**

**Defendants.**

**No. 04-CV-0841-DRH**

**ORDER**

**HERNDON, District Judge:**

Now before the Court is a status report submitted by Plaintiff requesting that this matter continue to be stayed. (Doc. 50.) On January 5, 2006, this Court entered an order to stay this matter pending the Seventh Circuit's decision in **Cooper v. IBM Personal Pension Plan, No. 99-829-GPM**. (Doc. 49.) On August 7, 2006, the Seventh Circuit issued an opinion reversing the district court; however, Plaintiff

advises this Court that the plaintiffs in ***Cooper v. IBM Personal Pension Plan*** will be filing a petition for rehearing *en banc* in that case. Therefore, the Court **GRANTS** Plaintiff's request and **CONTINUES THE STAY** of this matter until all appeals have been exhausted in the case of ***Cooper v. IBM Personal Pension Plan*** or until further order of the Court should the Court find reason to terminate the stay before a decision of the United States Supreme Court. The parties shall advise the Court, via written notice, when all appeals in ***Cooper*** have been exhausted in the event the stay is still in place at bar.

**IT IS SO ORDERED.**

Signed this 29th day of August, 2006.

/s/ David RHerndon  
**United States District Judge**